

Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 DODE-00 NSAE-00 USIA-06
TRSE-00 SOE-02 DOE-11 CIAE-00 COME-00 ACDA-12 L-03
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R 281535Z DEC 77

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 3640

C O N F I D E N T I A L SECTION 01 OF 02 PARIS 37716

USOECD

EXCON

E.O. 11652: XGDS1

TAGS: ESTC, COCOM

SUBJ: BRITISH COMPLAINTS ABOUT U.S. COCOM PRACTICES

1. DURING THE DEC. 13-15 COCOM CRITERIA DISCUSSIONS, THE BRITISH DELEGATION PROVIDED USDEL WITH A LIST OF UK COMPLAINTS ABOUT U.S. PROCEDURES IN DEALING WITH COCOM MATTERS -- THE LIST WAS ACTUALLY TALKING POINTS FOR THE UKDELEGATION WHICH DID NOT HAVE TIME TO USE THEM FULLY IN THE BI-LATERAL DISCUSSIONS WITH THE U.S. DELEGATION PRIOR TO THE COCOM MEETING. THE UKDELEGATION IMPLIED THAT THE U.S. OWES THEM SOME POSITIVE RESPONSES ON THE PROBLEMS OUTLINED IN THE LIST BECAUSE OF UK'S STRONG SUPPORT FOR RULE OF UNANIMITY IN COCOM. JUST PRIOR TO THE CRITERIA DISCUSSIONS, THE BRITISH ACTIVELY LOBBIED AGAINST THE BELGIAN OBSOLESCENCE PROPOSAL INVOLVING MAJORITY VOTING AND THEY FEEL THAT THIS HAS SOURED THEIR RELATIONS WITH BELGIUM AS A RESULT.

2. THE BRITISH COMPLAINTS ARE AS FOLLOWS:

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A. INFRINGEMENT OF COCOM DECISIONS: THE UK NOTES THAT THE U.S., IN AGREEING TO NOTE 9 TO IL 1565, HAS ACCEPTED THE EXPORT OF EQUIPMENT UP TO A SPECIFIC STRATEGIC LEVEL AND THAT THEREFORE THE U.S. PROCEDURES SHOULD NOT RESULT "IN THE FRUSTRATION OF NATIONAL LICENCES ISSUED IN GOOD FAITH" IN ACCORDANCE WITH

NOTE 9 BY OTHER MEMBER GOVERNMENTS. ACCORDING TO THE UK, THERE HAVE BEEN UK CASES UNDER 1565, NOTE 9, FOR WHICH U.S. RE-EXPORT LICENSES WERE NOT GRANTED OR WERE ONLY CLEARED AFTER DELAYS OF 4 TO 12 MONTHS, DELAYS WHICH ARE UNACCEPTABLE UNDER THE SPIRIT OF NOTE 9 PROCEDURE.

B. ARBITRARY ACTION WITH NO COCOM BASIS: THE U.S. HAS DELAYED SOME EXCEPTION CASES INVOLVING COMPUTERS FOR LONG PERIODS BECAUSE OF QUESTIONS CONCERNING ACCOMPANYING UNEMBARGOED EQUIPMENT. UK STATES THAT IF U.S. HAS STRATEGIC CONCERNS ABOUT UNEMBARGOED EQUIPMENT, IT SHOULD REQUEST DEFINITIONAL CHANGES TO IMPOSE EMBARGO.

C. INCONSISTENCY: THE UK NOTES THAT, AT THE LAST LIST REVIEW, THE U.S. SUBMITTED A COUNTER PROPOSAL CONTROLLING THE RELEASE OF VIBRATION EQUIPMENT WITH A THRUST OF OVER 13, 500 POUNDS. SINCE THIS WAS PART OF A PACKAGE PROPOSAL WHICH WAS NOT ACCEPTED, THE ITEM REMAINED UNAITERED. THE UK GOES ON TO NOTE THAT, WHILE THE U.S. APPEARED TO BE

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C O N F I D E N T I A L SECTION 02 OF 02 PARIS 37716

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SUPPORTING THIS REASONABLE LIBERALIZATION IN 1975, THE U.S. NOW SEEMS TO BE HAVING A PROBLEM WHEN THE UK SUBMITS AN EXCEPTION CASE INVOLVING VIBRATION EQUIPMENT BELOW THAT THRUST LIMIT. (THE CASE WHICH THE UK HAS IN MIND IS COCOM DOC. (77) 597 UK VIBRATION TEST SYSTEM TO USSR. ALTHOUGH CASE WAS SUBMITTED ON AUGUST 24, 1977, THE U.S. HAS INDICATED ONLY THAT IT IS HAVING PROBLEMS BECAUSE OF THE IMPORTANCE OF THIS EQUIPMENT TO MILITARY PROGRAMS."

D. U.S. DELAYS RESULTING IN CANCELLATION OF ORDERS: UK NOTES THAT IN SOME CASES THE U.S. CONSIDERATION OF U.K. EXCEPTION REQUESTS HAS BEEN SO SLOW THAT THE BRITISH FIRMS HAVE LOST THE ORDERS. UK IS PARTICULARLY FRUSTRATED SINCE ABOUT HALF OF ITS CASES BEING HELD UP BY THE U.S. RESULTS FROM U.S. RE-EXPORT LICENSING ACTION AND NOT BECAUSE THEY ARE BEING QUESTIONED ON STRATEGIC GROUNDS. THE UK

GOES ON TO STATE: "IT IS NOT SURPRISING THAT SUCH CASES OFTEN LEAD TO THE ALLEGATION THAT
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THE U.S. USES COCOM FOR ITS OWN COMMERCIAL ADVANTAGE." UK NOTES THAT IT HAS RECOGNIZED SOME INDICATION OF MORE RAPID PROCESSING BY THE U.S. RECENTLY AND EXPRESSES HOPE THAT THIS TREND WILL BE ACCELERATED.

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